

REMARKS

Claims 1-47 were pending, claims 8-34 and 38 of which have been withdrawn. By this amendment, withdrawn claims 17-34 are canceled without prejudice or disclaimer. Claims 1, 35, 36 and 47 are amended and new claims 48-56 are added.

Applicants appreciate the Examiner's indication that claim 47 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As suggested, Applicants have amended claim 47 to incorporate the recitations of its base and intervening claims, and request allowance of claim 47.

Claims 1 and 5-7 were rejected under 35 U.S.C. § 102(e) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over McCoy. Applicants traverse this rejection as applied to amended claim 1. Amended claim 1 recites, among other things, "a hitch mounting structure formed from an elongated body that is bent into a general U-shape." In contrast, McCoy discloses end portions and a cross member 12 that are fastened to mounting flanges 14, 16. *See* McCoy, paragraph [0026]. The product/structure of such a fastened connection is clearly different from the product/structure of the bent elongated body recited in claim 1 (e.g., different structural strength at the point of fastening than at the point of the bend, different outward appearance, etc.). Accordingly, the recited bent hitch mounting structure is not "the same as or obvious from a product of the prior art," i.e., the McCoy device. *See* MPEP § 2113. Applicants therefore respectfully request the withdrawal of the anticipation/obviousness rejection of claim 1, as well as its dependent claims 5-7, which are allowable at least because they depend from allowable claim 1.

Claims 1-3 and 5-6 were rejected under 35 U.S.C. § 102(e) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Westerdale. Applicants traverse this rejection as applied to amended claim 1. Amended claim 1 recites, among other things, "a hitch mounting structure formed from an elongated body that is bent into a general U-shape." In contrast, Westerdale discloses vehicle supports 38 that are welded to a cross tube 16. *See* Westerdale, paragraph [0027]. The product/structure of such a welded connection is clearly different from the product/structure of the bent elongated body recited in claim 1 (e.g., different structural strength of a welded component as opposed to a bent component, different outward appearance, etc.). Accordingly, the recited bent hitch mounting structure is not "the same as or obvious from" the Westerdale device. *See* MPEP § 2113. Applicants therefore respectfully request the withdrawal of the anticipation/obviousness rejection of claim 1, as

well as its dependent claims 2-3 and 5-6, which are allowable at least because they depend from allowable claim 1.

New claims 50-56 recite additional aspects of one or more embodiments of the present invention that further distinguish those embodiment(s) from the cited prior art. For example, neither McCoy nor Westerdale nor their combination disclose or suggest that:

- that “the mounting sections each comprise a portion of the elongated substantially tubular body member that is bent into the general L-shaped cross-sectional configuration” (claims 50, 55);
- that “bent portions of the elongated body define the elbow sections” (claims 51, 56); or
- that “the elbow sections each comprise a portion of the substantially tubular body member that is bent into the general U-shaped cross-sectional configuration” (claim 52).

Claims 35-37, 39, 40, 42, 45, and 46 were rejected under 35 U.S.C. § 103(a) as being obvious over Westerdale in view of Grice. Applicants respectfully traverse this rejection as applied to amended claim 35 because there is no motivation or suggestion in the prior art for the asserted combination. Amended claim 35 recites, among other recitations, “a retractable hitch mechanism rigidly mounted to the hitch mounting structure” that is “structured to rigidly mount the retractable hitch assembly to the frame assembly of the vehicle.” The Examiner concedes that Westerdale fails to disclose a retractable hitch mechanism. *See* 8/12/05 Office Action, p. 5.

Grice discloses an extension tongue that is specifically designed to be rigidly mounted to a boat trailer, not a hitch mounting structure, as recited in claim 35. Grice discloses that the boat-trailer-mounted extension tongue solves the problem of launching a trailer-mounted boat into the water while maintaining the towing vehicle safely on shore. *See* Grice, col. 1, lines 5-58. In particular, the Grice device is constructed to substantially lengthen the boat trailer’s tongue so that a vehicle can remain safely away from the water while disposing the boat trailer sufficiently far into the water to launch the boat therefrom. *See* Grice, FIG. 3 and cols. 1-2.

The Examiner asserts that one of ordinary skill in the art would have been motivated to incorporate Grice’s extension tongue onto a hitch mounting structure of a vehicle to “facilitat[e] connection of the two vehicles without requiring either vehicle to be moved in its entirety.” *See* 8/12/05 Office Action, p. 5. Applicants submit that the Examiner is using

impermissible hindsight (i.e., Applicants' present application) to identify the asserted motivation. Neither Grice nor Westerdale disclose such a motivation. As discussed above, Grice is dedicated solely to lengthening the tongue of a trailer to further separate a boat trailer from a towing vehicle. Indeed, use of Grice's extension tongue is unrelated to connecting the vehicle to the trailer. *See* Grice, col. 5, lines 11-9-32. Moreover, one of ordinary skill in the art would not have been motivated to incorporate Grice's extension tongue into a vehicle-mounted hitch mounting structure because the length of the Grice extension device that is needed to satisfy its objective of substantially lengthening the tongue would be incompatible with the confined space available at the end of a vehicle. Accordingly, the prior art does not suggest or disclose the combination suggested by the Examiner. Applicants therefore request the withdrawal of the obviousness rejection of claim 35, as well as its respective dependent claims 36, 37, 39, 40, 42, 45, and 46, which are allowable at least because they depend from patentable claim 35.

Claims 35-37 and 42-46 were rejected under 35 U.S.C. § 103(a) as being obvious over McCoy in view of Grice. Applicants respectfully traverse this rejection as applied to amended claim 35. Amended claim 35 recites, among other recitations, "a retractable hitch mechanism rigidly mounted to the hitch mounting structure" that is "structured to rigidly mount the retractable hitch assembly to the frame assembly of the vehicle." The Examiner concedes that McCoy fails to disclose or suggest such a retractable hitch mechanism. *See* 8/12/05 Office Action, p. 5. As discussed above, Grice also fails to disclose or suggest incorporating its extension tongue into a hitch mounting structure as recited in claim 35. Accordingly, the prior art does not suggest or disclose the combination suggested by the Examiner. Applicants therefore request the withdrawal of the obviousness rejection of claim 35, as well as its respective dependent claims 36, 37, and 42-46, which are allowable at least because they depend from allowable claim 35.

Applicants traverse the obviousness rejections of claim 46 for an additional reason. Claim 46 recites, among other things, "a locking assembly to lock the inner hitch receiver in the extended position thereof." Grice does not disclose or suggest such a combination of recitations. Westerdale and McCoy disclose retainer pins, but do not disclose or suggest that such retainer pins lock an inner hitch receiver in an extended position, as recited in claim 46. Indeed, the 8/12/05 Office Action does not even mention the recitation of claim 46, much less identify where the prior art discloses or suggests such a recitation. Applicants therefore request withdrawal of the obviousness rejections of claim 46 for this additional reason.

Claim 4 was rejected under 35 U.S.C. ¶ 103(a) as being obvious over McCoy in view of Tomita. Claim 41 was rejected under 35 U.S.C. ¶ 103(a) as being obvious over McCoy and Grice in view of Tomita. Applicants respectfully traverse these rejections. Claims 4 and 41 each recite, among other recitations, that “the end portions include an elbow section with a general U-shaped cross-sectional configuration.” Neither McCoy nor Grice nor Tomita nor their combination disclose or suggest such a combination of recitations. The Examiner concedes that McCoy and Grice fail to disclose “elbow sections with a general U-shaped cross section.” See 8/12/05 Office Action, p. 6. Tomita discloses an end portion with a U-shaped cross section, but the U-shaped cross section portion is straight, and does not, therefore form an “elbow” as recited in claims 4 and 41. Applicants therefore submit that the cited references fail to disclose or suggest the combination or recitations in claims 4 and 41, and therefore request the withdrawal of the obviousness rejections of claims 4 and 41.

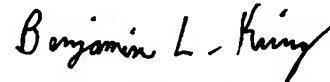
New claims 48 and 49 further distinguish aspects of one or more embodiments of the present invention from the cited prior art. New claims 48 and 49 recite that “the elbow sections extend from their respective end portions to the centrally disposed intermediate portion.” In contrast, Tomita does not disclose or suggest that its section with a U-shaped cross section extends from the end portions to a centrally disposed intermediate portion.

In view of the above remarks, Applicants submit that the present application is in condition for allowance, and request allowance of the application.

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Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP



BENJAMIN L. KIERSZ

Reg. No. 51875

Tel. No. 703 905.2114

Fax No. 703 905.2500

Date: September 28, 2005  
P.O. Box 10500  
McLean, VA 22102  
(703) 905-2000